THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.1612 of 2006

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Dated:30.01.2006

Between:

Manne Sathaiah S/o.Gangaiah
R/o.Danura village, Tekmal Mandal Medak District

..... PETITIONER

AND

The District Collector (Civil Supplies) Medak district at Sanga Reddy, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.1612 of 2006

ORDER:

The petitioner is a Fair Price Shop Dealer of Danura Village, Tekmal Mandal, Medak District. On an allegation that he distributed Kerosene at a higher price than the prescribed rate, the Revenue Divisional Officer initiated action under Clause 5 of the Andhra Pradesh State Public Distribution System Control Order, 2001 (for short 'the Control Order'). By an order, dated 16.11.2004, the authorization of the petitioner was cancelled. Aggrieved by the same, the petitioner preferred an appeal under Clause 20 of the Control Order. When he failed to get an order of stay of the operation of the proceedings of the Revenue Divisional Officer, he filed W.P.No.22349 of 2004. This Court disposed of the said writ petition on 12.12.2004 directing continuance of the petitioner as fair price shop dealer during the pendency of the appeal. Be that as it is, the appellate authority dismissed the appeal on 08.12.2005, and aggrieved by the same, the petitioner again filed W.P.No.624 of 2006. This Court declined to interfere at that stage, but gave liberty to the petitioner to approach the District Collector and file a revision petition under Clause 21 of the Control Order. The petitioner accordingly filed the revision before the District Collector, the first respondent herein, and also moved for stay. It is his case that the

District Collector without passing any orders on the stay petition, posted the matter to 08.02.2006. In the meanwhile, the competent appointing authority i.e., the Revenue Divisional Officer issued a show cause notice inviting applications for filling up of the vacancy of the fair price shop dealer of Danura Village, and the interviews are scheduled to be held on 30.01.2006. Apprehending that the vacancy may be filled up, the present writ petition is filed.

It is now well settled that when an aggrieved person prefers an appeal or revision to avail alternate remedy, a writ petition ordinarily would not lie. Therefore, this writ petition is misconceived. Secondly, even if the selection is held on 30.01.2006 to fill up the existing vacancy, the petitioner, if ultimately succeeds before the District Collector, can avail the benefit of proviso under sub-clause (4) of Clause 5 of the Control Order, which is to the effect that when a cancellation is set aside either by the appellate authority or the revisional authority, the appointing authority shall have to reissue authorization to the fair price shop dealer. The said provision applies to the petitioner, in case he succeeds before the District Collector. The District Collector has already fixed 08.02.2006 as the date for hearing the revision, and therefore, no interference is called for. The petitioner may approach the District Collector on that day for disposal of the revision.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

30.01.2006

vs